



# SEC News Digest

Issue 2012-109

June 6, 2012

## ENFORCEMENT PROCEEDINGS

### **In the Matter of Principal Mortgage Fund, Inc.**

An Administrative Law Judge has issued an Order Making Findings and Imposing Sanctions by Default (Default Order) in Principal Mortgage Fund, Inc., Admin. Proc. File No. 3-14829. The Default Order finds that Principal Mortgage Fund, Inc. (Principal Mortgage Fund), a corporation that elected to be regulated as a business development company, violated Section 17(g) of the Investment Company Act of 1940 (Investment Company Act) and Rule 17g-1 thereunder, by not providing and maintaining a bond against larceny and embezzlement by officers and employees.

The Default Order requires Principal Mortgage Fund to cease and desist from committing or causing violations of and any future violations of Section 17(g) of the Investment Company Act and Rule 17g-1 thereunder, and **revokes** Principal Mortgage Fund's election as a business development company. (Rel. [IC-30097](#); File No. 3-14829)

### **Commission Revokes Registration of Securities of Adrenalina For Failure to Make Required Periodic Filings**

On June 6, 2012, the Commission revoked the registration of each class of registered securities of Adrenalina (AENA) for failure to make required periodic filings with the Commission.

Without admitting or denying the findings in the Order, except as to jurisdiction, which it admitted, AENA consented to the entry of an Order Making Findings and Revoking Registration of Securities Pursuant to Section 12(j) of the Securities Exchange Act of 1934 as to Adrenalina finding that it had failed to comply with Section 13(a) of the Securities Exchange Act of 1934 (Exchange Act) and Rules 13a-1 and 13a-13 thereunder and revoking the registration of each class of AENA's securities pursuant to Section 12(j) of the Exchange Act. This order settled the charges brought against AENA in *In the Matter of Adrenalina, et al.*, Administrative Proceeding File No. 3-14874.

Brokers and dealers should be alert to the fact that Exchange Act Section 12(j) provides, in pertinent part, as follows:

No member of a national securities exchange, broker, or dealer shall make use of the mails or any means or instrumentality of interstate commerce to effect any transaction in, or to induce the purchase or sale of, any security the registration of which has been and is suspended or revoked . . . .

For further information see Order Instituting Administrative Proceedings and Notice of Hearing Pursuant to Section 12(j) of the Securities Exchange Act of 1934, *In the Matter of Adrenalina, et al.*, Administrative Proceeding File No. 3-14874, Exchange Act Release No. 66955 (May 10, 2012). (Rel. [34-67139](#); File No. 3-14874)

### **In the Matter of OppenheimerFunds, Inc. and OppenheimerFunds Distributor, Inc.**

On June 6, 2012, the Commission issued an Order Instituting Administrative and Cease-and-Desist Proceedings Pursuant to Section 8A of the Securities Act of 1933, Section 15(b)(4) of the Securities Exchange Act of 1934, Sections 203(e) and 203(k) of the Investment Advisers Act of 1940, and Sections 9(b) and 9(f) of the Investment Company Act of 1940, Making Findings, and Imposing Remedial Sanctions and a Cease-and-Desist Order (Order) as to OppenheimerFunds, Inc. and OppenheimerFunds Distributor, Inc.

The Order finds that in late 2008, OppenheimerFunds, Inc. (OFI) and its wholly-owned distribution company, OppenheimerFunds Distributor, Inc. (OFDI), made misleading statements to financial advisers and investors concerning losses suffered by two Oppenheimer bond funds, Champion Income Fund and Core Bond Fund, and their prospects for recovery. The Order also finds that OFI and OFDI sold shares of the Champion Income Fund under a prospectus that misleadingly failed to disclose the fund's practice of assuming substantial leverage through its use of derivative instruments such as total return swaps, which were the leading contributor to the fund's nearly 80% loss in 2008. In light of this conduct, the Order finds that OFI willfully violated Section 34(b) of the Investment Company Act of 1940 (Investment Company Act) and Section 206(4) of the Investment Advisers Act of 1940 (Advisers Act) and Rule 206(4)-8(a)(1) and (2) thereunder and that both OFI and OFDI willfully violated Sections 17(a)(2) and 17(a)(3) of the Securities Act of 1933 (Securities Act).

Based on the foregoing, the Order directs OFI to cease and desist from committing or causing any violations and any future violations of Section 17(a)(2) and (3) of the Securities Act, Section 206(4) of the Advisers Act and Rule 206(4)-8(a)(1) and (2) thereunder, and Section 34(b) of the Investment Company Act; directs OFDI to cease and desist from committing or causing any violations and any future violations of Sections 17(a)(2) and (3) of the Securities Act; censures both OFI and OFDI; and directs OFI to pay a civil penalty of \$24 million, disgorgement of \$9,879,706, and prejudgment interest of \$1,487,190, all of which is to be deposited into a Fair Fund for the benefit of investors. OFI and OFDI consented to entry of the Order without admitting or denying the Commission's findings. (Rel. [33-9329](#); File No. 3-14909)

### **In the Matter of David Mark Bunzel**

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On June 6, 2012, the Commission issued an Order Instituting Administrative and Cease-and-Desist Proceedings Pursuant to Section 15(b) of the Securities Exchange Act of 1934, Sections 203(f) and 203(k) of the Investment Advisers Act of 1940 and Section 9(b) of the Investment Company Act of 1940, Making Findings, and Imposing Remedial Sanctions and Cease-and-Desist Order (Order) against David Mark Bunzel (Bunzel). The Order finds that Bunzel, the managing member and owner of Irvine Capital Management, LLC, an unregistered investment adviser, manages two hedge funds, Irvine Capital Partners, LP and Irvine Capital Partners III, LP (the Irvine Funds). The Order further finds that Bunzel, in violation of Section 206(4) of the Investment Advisers Act of 1940 and Rule 206(4)-8 thereunder, knew or should have known that: (1) as of December 31, 2008, the valuation of the Irvine Funds' primary asset, a private placement of common stock of a privately-held company, was unreasonable; (2) he charged the limited partners a 2% management fee, which was in excess of the 1.5% disclosed management fee; and (3) he failed to cause timely annual fund audits to be performed.

Based on the above, the Order: (1) requires Bunzel to cease and desist from committing or causing any violations and any future violations of Section 206(4) of the Advisers Act and Rule 206(4)-8 thereunder; (2) suspends Bunzel for a period of 12 months from (a) association with any broker, dealer, investment adviser, municipal securities dealer, or transfer agent, (b) serving or acting as an employee, officer, director, member of an advisory board, investment adviser or depositor of, or principal underwriter for, a registered investment company or affiliated person of such investment adviser, depositor, or principal underwriter, and (c) participating in any offering of a penny stock, including: acting as a promoter, finder, consultant, agent, or other person who engages in activities with a broker, dealer or issuer for purposes of the issuance or trading in any penny stock; or

inducing or attempting to induce the purchase or sale of any penny stock; and (3) requires Bunzel to pay civil penalties in the amount of \$100,000. Bunzel consented to the issuance of the Order without admitting or denying any of the findings in the Order, except he admitted to the Commission's jurisdiction over him and the subject matter of these proceedings. (Rel. [34-67140](#); File No. 3-14908)

### **Securities and Exchange Commission Orders Hearing on Registration Suspension or Revocation Against Seven Public Companies For Failure to Make Required Periodic Filings**

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Today the Commission instituted public administrative proceedings to determine whether to revoke or suspend for a period not exceeding twelve months the registrations of each class of the securities of seven companies for failure to make required periodic filings with the Commission:

- Fashion Fantasia Co.
- Fedders Corp. (n/k/a FC Liquidating, Inc.)
- Fifth Dimension, Inc.
- Fischel Holdings, Inc.
- Fortunata, Inc.
- GCA II Acquisition Corp.
- GCA III Acquisition Corp.

In this Order, the Division of Enforcement (Division) alleges that the seven issuers are delinquent in their required periodic filings with the Commission.

In this proceeding, instituted pursuant to Exchange Act Section 12(j), a hearing will be scheduled before an Administrative Law Judge. At the hearing, the Administrative Law Judge will hear evidence from the Division and the Respondents to determine whether the allegations of the Division contained in the Order, which the Division alleges constitute failures to comply with Exchange Act Section 13(a) and Rules 13a-1 and 13a-13 thereunder, are true. The Administrative Law Judge in the proceeding will then determine whether the registrations pursuant to Exchange Act Section 12 of each class of the securities of these Respondents should be revoked or suspended for a period not exceeding twelve months. The Commission ordered that the Administrative Law Judge in this proceeding issue an initial decision not later than 120 days from the date of service of the order instituting proceedings. (Rel. [34-67146](#); File No. 3-14910)

### **INVESTMENT COMPANY ACT RELEASES**

#### **Van Eck VIP Trust, et al.**

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An order has been issued on an application filed by Van Eck VIP Trust, et al. under Section 12(d)(1)(J) of the Investment Company Act (Act) for an exemption from Sections 12(d)(1)(A) and (C) of the Act. The order amends a prior order that permits certain registered open-end management investment companies to acquire shares of other registered open-end management investment companies and unit investment trusts that are within and outside the same group of investment companies. The amended order permits such registered open-end management investment companies to also acquire shares of registered closed-end investment companies and business development companies as defined by Section 2(a)(48) of the Act that are within and outside the same group of investment companies. (Rel. IC-30096 - June 5)

### **SELF-REGULATORY ORGANIZATIONS**

#### **Immediate Effectiveness of Proposed Rule Changes**

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A proposed rule change filed by NASDAQ OMX BX, Inc. to dissolve the BOX Committee (SR-BX-2012-039) has become effective pursuant to Section 19(b)(3)(A) of the Securities Exchange Act of 1934. Publication is expected in the *Federal Register* during the

week of June 4. (Rel. [34-67102](#))

The Depository Trust Company filed a proposed rule change (File No. SR-DTC-2012-04), which became effective upon filing, pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 and Rule 19b-4 thereunder to update DTC's corporate action service in order to enable issuers to send dividend announcements on sponsored American Depositary Receipts using eXtensible Business Reporting Language ("XBRL") through DTC's Worldwide Announcement Validation Enrichment System platform ("WAVE"). Publication is expected in the *Federal Register* during the week of June 4. (Rel. [34-67119](#))

A proposed rule change filed by C2 Options Exchange, Incorporated to amend the Fees Schedule (SR-C2-2012-017) has become effective pursuant to Section 19(b)(3)(A) of the Securities Exchange Act of 1934. Publication is expected in the *Federal Register* during the week of June 4. (Rel. [34-67120](#))

A proposed rule change (SR-Phlx-2012-73) relating to strategies has become effective pursuant to Section 19(b)(3)(A) of the Securities Exchange Act of 1934. Publication is expected in the *Federal Register* during the week of June 4. (Rel. [34-67121](#))

A proposed rule change (SR-NASDAQ-2012-067) filed by The NASDAQ Stock Market LLC to update the NASDAQ Options Market Message Traffic Mitigation Rule has become effective pursuant to Section 19(b)(3)(A) of the Securities Exchange Act of 1934. Publication is expected in the *Federal Register* during the week of June 4. (Rel. [34-67122](#))

A proposed rule change filed by the New York Stock Exchange LLC (SR-NYSE-2012-16) temporarily suspending the requirements of NYSE Rule 311 and related NYSE Rules concerning the approval of new member organizations in order to approve Apex Clearing Corporation, f/k/a Ridge Clearing and Outsourcing Solutions, Inc. as an NYSE Member Organization, subject to Apex Clearing complying with Exchange Rules for a new Member Organization within 30 calendar days of the date that Apex Clearing is provisionally approved as an NYSE member organization has become effective pursuant to Section 19(b)(3)(A) of the Securities Exchange Act of 1934. Publication is expected in the *Federal Register* during the week of June 4. (Rel. [34-67126](#))

A proposed rule change filed by the National Stock Exchange, Inc. (SR-NSX-2012-08) to temporarily suspend the requirements of NSX Rule 2.5 and related NSX ETP Holder application rules and procedures in order to approve Apex Clearing Corporation, f/k/a Ridge Clearing and Outsourcing Solutions, Inc. as an NSX ETP Holder has become effective pursuant to Section 19(b)(3)(A) of the Securities Exchange Act of 1934. Publication is expected in the *Federal Register* during the week of June 4. (Rel. [34-67127](#))

A proposed rule change filed by NYSE Arca, Inc. (SR-NYSEArca-2012-58) temporarily suspending the requirements of NYSE Arca Equities Rule 2.3, NYSE Arca Options Rule 2.4 and all related NYSE Arca Equities and NYSE Arca Options rules concerning the approval of new ETP Holders and OTP Holders in order to approve Apex Clearing Corporation, f/k/a Ridge Clearing and Outsourcing Solutions, Inc. as an NYSE Arca ETP Holder and OTP Holder, subject to Apex Clearing complying with Exchange Rules for a new member organization within 30 calendar days of the date that Apex clearing is provisionally approved for membership has become effective pursuant to Section 19(b)(3)(A) of the Securities Exchange Act of 1934. Publication is expected in the *Federal Register* during the week of June 4. (Rel. [34-67128](#))

A proposed rule change filed by NYSE MKT LLC (SR-NYSEMKT-2012-06) temporarily suspending the requirements of Exchange Rule 311 - Equities and related Exchange Equities rules concerning the approval of new member organizations and Exchange Rule 353 and related Exchange rules concerning the approval of New ATP Holders in Order to Approve Apex Clearing Corporation, f/k/a Ridge Clearing and Outsourcing Solutions, Inc. as an Exchange Equities member organization and ATP Holder, subject to Apex Clearing complying with Exchange Rules for a new member organization and ATP Holder within 30 calendar days of the date that Apex Clearing is provisionally approved as an Exchange

Equities member organization and ATP Holder has become effective pursuant to Section 19(b)(3)(A) of the Securities Exchange Act of 1934. Publication is expected in the *Federal Register* during the week of June 4. (Rel. [34-67129](#))

A proposed rule change filed by BOX Options Exchange LLC (SR-BOX-2012-006) to temporarily suspend certain Exchange rules concerning approval of a new Options Participant has become effective pursuant to Section 19(b)(3)(A) of the Securities Exchange Act of 1934. Publication is expected in the *Federal Register* during the week of June 4. (Rel. [34-67130](#))

A proposed rule change filed by International Securities Exchange, LLC (SR-ISE-2012-51) to temporarily suspend the requirements of ISE Rule 306 and related ISE rules concerning the approval of new Members of the Exchange has become effective pursuant to Section 19(b)(3)(A) of the Securities Exchange Act of 1934. Publication is expected in the *Federal Register* during the week of June 4. (Rel. [34-67131](#))

A proposed rule change filed by BATS Exchange, Inc. (SR-BATS-2012-022) relating to the proposed membership of Apex Clearing. Publication is expected in the *Federal Register* during the week of June 4. (Rel. [34-67132](#))

A proposed rule change filed by BATS Y-Exchange, Inc. (SR-BYX-2012-010) relating to the proposed membership of Apex Clearing. Publication is expected in the *Federal Register* during the week of June 4. (Rel. [34-67133](#))

A proposed rule change filed by the C2 Options Exchange, Incorporated (SR-C2-2012-018) regarding the approval of Trading Permit Holders has become effective pursuant to Section 19(b)(3)(A) of the Securities Exchange Act of 1934. Publication is expected in the *Federal Register* during the week of June 4. (Rel. [34-67134](#))

A proposed rule change filed by the Chicago Board Options Exchange, Incorporated (SR-CBOE-2012-055) regarding the approval of Trading Permit Holders has become effective pursuant to Section 19(b)(3)(A) of the Securities Exchange Act of 1934. Publication is expected in the *Federal Register* during the week of June 4. (Rel. [34-67135](#))

A proposed rule change filed by EDGX Exchange, Inc. (SR-EDGX-2012-20) to temporarily suspend the requirements of EDGX Rule 2.6 has become effective pursuant to Section 19(b)(3)(A) of the Securities Exchange Act of 1934. Publication is expected in the *Federal Register* during the week of June 4. (Rel. [34-67136](#))

A proposed rule change filed by EDGA Exchange, Inc. (SR-EDGA-2012-21) to temporarily suspend the requirements of EDGA Rule 2.6 has become effective pursuant to Section 19(b)(3)(A) of the Securities Exchange Act of 1934. Publication is expected in the *Federal Register* during the week of June 4. (Rel. [34-67137](#))

A proposed rule change filed by Chicago Stock Exchange, Incorporated (SR-CHX-2012-10) to temporarily suspend the requirements of CHX Article 3, Rule 3 and related CHX rules in order to approve Apex Clearing Corporation as a CHX Participant and Trading Permit Holder. Publication is expected in the *Federal Register* during the week of June 4. (Rel. [34-67138](#))

### **Proposed Rule Change**

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NYSE Arca, Inc. has filed a proposed rule change (SR-NYSEArca-2012-50) pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 and Rule 19b-4 thereunder relating to listing and trading of the First Trust CBOE VIX Tail Hedge Index Fund under NYSE Arca Equities Rule 5.2(j)(3). Publication is expected in the *Federal Register* during the week of June 4. (Rel. [34-67107](#))

### **SECURITIES ACT REGISTRATIONS**

The following registration statements have been filed with the SEC under the Securities Act



of 1933. The reported information appears as follows: Form, Name, Address and Phone Number (if available) of the issuer of the security; Title and the number and/or face amount of the securities being offered; Name of the managing underwriter or depositor (if applicable); File number and date filed; Assigned Branch; and a designation if the statement is a New Issue.

Registration statements may be viewed in person in the Commission's Public Reference Branch at 100 F Street, N.E., Washington, D.C. To obtain paper copies, please refer to information on the Commission's Web site at <http://www.sec.gov/answers/publicdocs.htm>. In most cases, you can view and download this information by using the search function located at <http://www.sec.gov/edgar/searchedgar/companysearch.html>.

- S-8 Duff & Phelps Corp, 55 EAST 52ND STREET, NEW YORK, NY, 10055,  
(212) 871-2000 - 6,000,000 (\$81,000,000.00) Equity, (File 333-181880 - Jun. 5) (BR. 12A)
- S-3ASR ALEXANDRIA REAL ESTATE EQUITIES INC, 385 E. COLORADO BLVD, SUITE 299,  
PASADENA, CA, 91101, 6265780777 -  
0 (\$0.00) Unallocated (Universal) Shelf, (File 333-181881 - Jun. 5)  
(BR. 08C)
- S-1 FAC PROPERTYS LLC, 1329 NEEDHAM AVENUE, BRONX, NY, 10469,  
347-843-8040 - 8,100,000 (\$11,745,000.00) Equity, (File 333-181882 - Jun. 5) (BR. )
- S-8 HOT TOPIC INC /CA/, 18305 EAST SAN JOSE AVENUE, CITY OF INDUSTRY, CA,  
91748, 6268394681 - 0 (\$39,002,033.00) Equity, (File 333-181887 - Jun. 5) (BR. 09A)
- S-8 Eureka Financial Corp., 3455 FORBES AVENUE, PITTSBURGH, PA, 15213,  
412-681-8400 - 0 (\$1,582,239.00) Equity, (File 333-181888 - Jun. 5)  
(BR. 07B)
- S-4 OFFSHORE GROUP INVESTMENT Ltd, P.O. BOX 309, UGLAND HOUSE,  
GRAND CAYMAN, E9, KY1-1104, (281) 404-4700 -  
0 (\$775,000,000.00) Non-Convertible Debt, (File 333-181890 - Jun. 5)  
(BR. 04A)
- S-8 NETGEAR, INC, 350 EAST PLUMERIA DRIVE, SAN JOSE, CA, 95134,  
4089078000 - 3,000,000 (\$90,150,000.00) Equity, (File 333-181892 - Jun. 5) (BR. 11A)
- S-8 PACER INTERNATIONAL INC, 6805 PERIMETER DR, DUBLIN, OH, 43016,  
6149231400 - 0 (\$16,345,682.00) Equity, (File 333-181893 - Jun. 5)  
(BR. 05C)
- S-8 BROADWIND ENERGY, INC., 47 E. CHICAGO AVENUE, SUITE 332, NAPERVILLE,  
IL, 60540, 630-637-0315 - 0 (\$810,000.00) Equity, (File 333-181901 - Jun. 5) (BR. 06C)
- S-4 IBERIABANK CORP, 200 WEST CONGRESS STREET, LAFAYETTE, LA, 70501,  
337-521-4788 - 0 (\$26,834,654.00) Equity, (File 333-181910 - Jun. 5)  
(BR. 07C)
- S-8 MAJESCO ENTERTAINMENT CO, 160 RARITAN CENTER PARKWAY, SUITE 1, EDISON,  
NJ, 08837, 7328727490 - 3,800,000 (\$7,980,000.00) Equity,  
(File 333-181912 - Jun. 5) (BR. 03C)
- S-8 diaDexus, Inc., 349 OYSTER POINT BOULEVARD, SOUTH SAN FRANCISCO, CA,  
94080, 650-246-6400 - 15,004,396 (\$6,033,023.17) Equity,  
(File 333-181913 - Jun. 5) (BR. 01B)
- S-8 Ignite Restaurant Group, Inc., 9900 WESTPARK DRIVE, SUITE 300, HOUSTON,  
TX, 77063, (713) 336-7500 - 0 (\$32,162,767.70) Equity,  
(File 333-181914 - Jun. 5) (BR. 05A)
- S-3 Ally Central Originating Lease Trust,  
200 RENAISSANCE CENTER, 12TH FLOOR, DETROIT, MI, 48265, 313-656-5500 -  
0 (\$1,000,000.00) Asset-Backed Securities, (File 333-181915 - Jun. 5)  
(BR. )

## RECENT 8K FILINGS

Form 8-K is used by companies to file current reports on the following events:

- 1.01 Entry into a Material Definitive Agreement
- 1.02 Termination of a Material Definitive Agreement
- 1.03 Bankruptcy or Receivership
- 2.01 Completion of Acquisition or Disposition of Assets
- 2.02 Results of Operations and Financial Condition
- 2.03 Creation of a Direct Financial Obligation or an Obligation under an Off-Balance Sheet Arrangement of a Registrant
- 2.04 Triggering Events That Accelerate or Increase a Direct Financial Obligation or an Obligation under an Off-Balance Sheet Arrangement
- 2.05 Cost Associated with Exit or Disposal Activities
- 2.06 Material Impairments
- 3.01 Notice of Delisting or Failure to Satisfy a Continued Listing Rule or Standard; Transfer of Listing
- 3.02 Unregistered Sales of Equity Securities
- 3.03 Material Modifications to Rights of Security Holders
- 4.01 Changes in Registrant's Certifying Accountant
- 4.02 Non-Reliance on Previously Issued Financial Statements or a Related Audit Report or Completed Interim Review
- 5.01 Changes in Control of Registrant
- 5.02 Departure of Directors or Certain Officers; Election of Directors; Appointment of Certain Officers; Compensatory Arrangements of Certain Officer
- 5.03 Amendments to Articles of Incorporation or Bylaws; Change in Fiscal Year
- 5.04 Temporary Suspension of Trading Under Registrant's Employee Benefit Plans
- 5.05 Amendments to the Registrant's Code of Ethics, or Waiver of a Provision of the Code of Ethics
- 5.06 Change in Shell Company Status
- 6.01 ABS Informational and Computational Material.
- 6.02 Change of Servicer or Trustee.
- 6.03 Change in Credit Enhancement or Other External Support.
- 6.04 Failure to Make a Required Distribution.
- 6.05 Securities Act Updating Disclosure.
- 7.01 Regulation FD Disclosure
- 8.01 Other Events
- 9.01 Financial Statements and Exhibits

8-K reports may be viewed in person in the Commission's Public Reference Branch at 100 F Street, N.E., Washington, D.C. To obtain paper copies, please refer to information on the Commission's Web site at <http://www.sec.gov/answers/publicdocs.htm>. In most cases, you can view and download this information by using the search function located at <http://www.sec.gov/edgar/searchedgar/companysearch.html>.

NAME OF ISSUER	STATE CODE	8K ITEM NO.	DATE	COMMENT
3PEA INTERNATIONAL, INC.	NV	1.02,3.02,9.01	05/30/12	
Abingdon Futures Fund LP	NY	3.02	06/01/12	
ABOVENET INC	DE	5.07,8.01,9.01	06/05/12	
AccelPath, Inc.	DE	5.02	06/04/12	
ACE MARKETING & PROMOTIONS INC	NY	7.01,9.01	06/04/12	

AeroGrow International, Inc.	NV	3.02	05/31/12
AETHLON MEDICAL INC	NV	5.07	06/04/12
Aircastle LTD	DO	8.01	06/04/12
AIS FUTURES FUND IV LP	DE	3.02	05/31/12
ALASKA COMMUNICATIONS SYSTEMS GROUP I	DE	7.01,8.01	06/05/12
ALASKA PACIFIC BANCSHARES INC	AK	5.07,8.01,9.01	05/22/12
ALEXANDRIA REAL ESTATE EQUITIES INC	MD	8.01,9.01	06/05/12
Alliance HealthCare Services, Inc	CA	3.01,5.02	06/01/12
Alliance Holdings GP, L.P.	DE	7.01,9.01	06/05/12
ALLIANCE RESOURCE PARTNERS LP	DE	7.01,9.01	06/05/12
ALLIED HEALTHCARE PRODUCTS INC	DE	5.02	05/31/12
Alliqua, Inc.	FL	5.02,9.01	05/31/12
ALLSCRIPTS HEALTHCARE SOLUTIONS, INC.	DE	5.02	05/30/12
AMEDISYS INC	DE	7.01,9.01	06/05/12
Ameresco, Inc.	DE	5.02,5.07	05/31/12
AMERICAN FINANCIAL GROUP INC	OH	8.01,9.01	06/05/12
AMERICAN PACIFIC CORP	DE	1.01,9.01	06/04/12
American Realty Funds Corp	TN	3.02	05/31/12
AMERICAN WOODMARK CORP	VA	2.02,9.01	06/05/12
AMSCAN HOLDINGS INC	DE	8.01,9.01	06/04/12
AMYLIN PHARMACEUTICALS INC	DE	8.01	06/05/12
ANHUI TAIYANG POULTRY CO INC	DE	5.02,9.01	06/03/12
Antero Resources LLC	DE	7.01,9.01	06/04/12
APCO OIL & GAS INTERNATIONAL INC		5.07	05/31/12
Apollo Global Management LLC	DE	5.02	06/01/12
Ardea Biosciences, Inc./DE	DE	5.07,8.01,9.01	05/31/12
ARES CAPITAL CORP	MD	5.07	06/04/12
ARRIS GROUP INC	DE	7.01	06/05/12
ARTHROCARE CORP	DE	8.01,9.01	06/04/12
Aspect Software Group Holdings Ltd.	DE	5.02,9.01	06/05/12
ASPEN GROUP, INC.	DE	3.02	05/30/12
ATLAS AIR WORLDWIDE HOLDINGS INC	DE	5.02,5.07,9.01	06/01/12
AVANIR PHARMACEUTICALS, INC.	DE	2.03	06/04/12
AVI BIOPHARMA INC	OR	5.02	06/01/12
BARRETT BUSINESS SERVICES INC	MD	5.07	05/30/12
BELK INC		2.02,5.03,5.07,9.01	05/30/12
BHM Discretionary Futures Fund L.P.	DE	3.02	06/01/12
BIO-PATH HOLDINGS INC	UT	8.01,9.01	06/04/12
BIOSPECIFICS TECHNOLOGIES CORP	DE	8.01,9.01	06/04/12
Black Ridge Oil & Gas, Inc.	DE	7.01,8.01,9.01	06/01/12



BOB EVANS FARMS INC	DE	2.02,9.01	06/05/12	
Bonds.com Group, Inc.	DE	3.02,5.02,9.01	05/30/12	
Bridgeline Digital, Inc.	DE	1.01,2.01,3.02,7.01,9.01	05/31/12	
BUCKEYE PARTNERS, L.P.	DE	7.01,9.01	06/05/12	
BUCKLE INC	NE	5.07	06/01/12	
Calpian, Inc.	TX	3.02	06/01/12	
CANADIAN DERIVATIVES CLEARING CORP	A6	9.01	05/31/12	
CANTERBURY PARK HOLDING CORP	MN	1.01,9.01	06/04/12	
Carbon Natural Gas Co	DE	8.01	06/05/12	
Cardium Therapeutics, Inc.	DE	5.07,8.01	05/31/12	
CATALYST PHARMACEUTICAL PARTNERS, INC	DE	5.07	06/01/12	
CELL THERAPEUTICS INC	WA	1.01,2.01,3.02,5.02,7.01,9.01	05/31/12	
CHASE BANK USA, NATIONAL ASSOCIATION	DE	8.01,9.01	06/05/12	
CHECKPOINT SYSTEMS INC	PA	5.07	05/31/12	
CHEESECAKE FACTORY INC	DE	5.07	05/31/12	
Chelsea Therapeutics International, L	DE	8.01	06/05/12	
China Bio-Energy Corp.	DE	5.02,9.01	06/04/12	
China Media Group CORP	TX	8.01	06/05/12	
ChinaNet Online Holdings, Inc.	NV	3.01	05/30/12	
CHOICE HOTELS INTERNATIONAL INC /DE	DE	7.01,9.01	06/05/12	
CHRISTOPHER & BANKS CORP	DE	2.02,9.01	06/05/12	
CITIZENS BANCORP OF VIRGINIA INC	VA	5.02	06/01/12	
CITY HOLDING CO	WV	8.01,9.01	06/01/12	
CleanTech Biofuels, Inc.		1.01,9.01	05/30/12	
CLEARSIGN COMBUSTION CORP	WA	7.01,9.01	06/04/12	
Cleartronic, Inc.	FL	5.02	06/05/12	
COHERENT INC	DE	1.01,2.03,9.01	05/30/12	
COMMUNITY FIRST INC	TN	4.01,5.07,9.01	05/30/12	
COMPLETE GENOMICS INC	DE	2.05,5.02,8.01,9.01	06/01/12	
CONCHO RESOURCES INC	DE	1.01,2.03,9.01	05/31/12	
Constant Contact, Inc.	DE	5.07	06/05/12	
Constellation Energy Partners LLC	DE	1.01,1.02,5.02,9.01	06/04/12	
COVENANT BANCSHARES, INC.	IL	4.01,9.01	09/19/11	AMEND
CROWN DYNAMICS CORP	DE	1.01,3.02,5.06,9.01	01/18/12	AMEND
CVD EQUIPMENT CORP	NY	1.01	05/31/12	
CVR ENERGY INC	DE	5.02	06/04/12	
DAKOTA PLAINS HOLDINGS, INC.	NV	1.01,9.01	06/01/12	
DARA BioSciences, Inc.	DE	5.02	06/01/12	
DERMA SCIENCES, INC.	PA	5.02,5.07,9.01	05/30/12	

Derycz Scientific Inc	NV	5.02	06/01/12	
Dialogic Inc.	DE	5.02	05/30/12	
DISH Network CORP	NV	2.06	06/05/12	
DOUBLE CROWN RESOURCES INC.	NV	4.01,9.01	05/30/12	
DOUBLE CROWN RESOURCES INC.	NV	4.01,9.01	05/30/12	AMEND
DUCOMMUN INC /DE/	DE	5.02,9.01	06/04/12	
DUNE ENERGY INC	DE	5.07,7.01	06/05/12	
DYAX CORP	DE	8.01	06/05/12	
E DIGITAL CORP	DE	8.01,9.01	05/30/12	
Earn-A-Car Inc.	NV	1.01,9.01	05/29/12	
EASTMAN CHEMICAL CO	DE	1.01,2.03,8.01,9.01	06/05/12	
El Paso Pipeline Partners, L.P.	DE	7.01	06/05/12	
Emergent Health Corp.	NV	8.01	03/31/12	
EMERGING CTA PORTFOLIO LP	NY	3.02	06/01/12	
EMISPHERE TECHNOLOGIES INC	DE	5.03,5.07,9.01	05/31/12	
Energy Future Holdings Corp /TX/	TX	5.02	05/31/12	
Energy Recovery, Inc.	DE	7.01,9.01	06/05/12	
Enphase Energy, Inc.	DE	5.02	05/30/12	
ENTERPRISE FINANCIAL SERVICES CORP	DE	5.02,5.07,9.01	06/04/12	
Express Scripts Holding Co.	DE	5.07,7.01	05/30/12	
EXPRESS, INC.		5.07	05/31/12	
FactorShares 2X: Gold Bull/S&P500 Bea		5.01	06/01/12	
FactorShares 2X: Oil Bull/S&P500 Bear		5.01	06/01/12	
FactorShares 2X: S&P500 Bull/TBond Be		5.01	06/01/12	
FactorShares 2X: S&P500 Bull/USD Bear		5.01	06/01/12	
FactorShares 2X: TBond Bull/S&P500 Be		5.01	06/01/12	
FARMER BROTHERS CO	CA	8.01	05/30/12	
FBR & Co.	VA	5.07	06/05/12	
Federal Home Loan Bank of Atlanta	X1	2.03	06/05/12	
Federal Home Loan Bank of Boston	X1	2.03	05/31/12	
Federal Home Loan Bank of Chicago	X1	2.03	05/30/12	
Federal Home Loan Bank of Cincinnati	X1	2.03,9.01	06/01/12	
Federal Home Loan Bank of Dallas		2.03,9.01	05/30/12	
Federal Home Loan Bank of Des Moines	X1	2.03,9.01	06/01/12	
Federal Home Loan Bank of Indianapolis	X1	2.03,9.01	06/05/12	
Federal Home Loan Bank of New York	X1	2.03,9.01	05/30/12	
Federal Home Loan Bank of Pittsburgh	PA	2.03,9.01	05/30/12	
Federal Home Loan Bank of San Francisco	X1	2.03	05/30/12	
Federal Home Loan Bank of Topeka		2.03,9.01	05/30/12	
FEDERAL NATIONAL MORTGAGE ASSOCIATION		5.02,7.01,9.01	06/05/12	

FIRST COMMUNITY BANCSHARES INC /NV/	NV	7.01,9.01	06/05/12
FIRST PACTRUST BANCORP INC	MD	8.01,9.01	06/04/12
Firsthand Technology Value Fund, Inc.		8.01,9.01	06/05/12
Fortress Investment Group LLC	DE	7.01	06/05/12
FRANKLIN CREDIT HOLDING CORP/DE/	DE	1.01,1.03,9.01	06/04/12
FULLER H B CO	MN	2.05,9.01	05/30/12
G III APPAREL GROUP LTD /DE/	DE	2.02,9.01	06/05/12
Gas Natural Inc.	OH	1.01,2.03,9.01	06/01/12
General Motors Co		8.01	06/01/12
GENESCO INC	TN	7.01	06/05/12
GIGA TRONICS INC	CA	2.02,9.01	06/04/12
Global Geophysical Services Inc	DE	5.07	05/30/12
GLOBALSCAPE INC	DE	5.07	06/04/12
Goldenway, Inc.	NV	5.02,9.01	06/05/12
GOLDFIELD CORP	DE	5.07	05/31/12
GRAY TELEVISION INC	GA	5.07	05/30/12
Greenwood Gold Resources, Inc.	NV	5.03,8.01,9.01	05/08/12
Griffin Capital Net Lease REIT, Inc.		7.01,8.01,9.01	06/04/12
GS Mortgage Securities Trust 2012-GCJ	DE	9.01	06/05/12
Guaranty Bancorp	DE	7.01,9.01	06/05/12
Guidewire Software, Inc.	DE	2.02,9.01	06/05/12
GYRODYNE CO OF AMERICA INC	NY	8.01,9.01	06/05/12
HALCON RESOURCES CORP	DE	5.02,8.01,9.01	05/16/12
HEALTHWAYS, INC	DE	5.07	05/31/12
HeartWare International, Inc.	DE	5.07,9.01	05/31/12
HERCULES OFFSHORE, INC.	DE	8.01	06/05/12
HOSPITALITY PROPERTIES TRUST	MD	1.01,8.01,9.01	05/30/12
HUDSON VALLEY HOLDING CORP	NY	7.01,8.01,9.01	06/05/12
HUDSON VALLEY HOLDING CORP	NY	7.01,9.01	05/21/12
IBERIABANK CORP	LA	8.01,9.01	06/04/12
IDENTIVE GROUP, INC.	DE	2.05	05/31/12
INFORMATICA CORP	DE	5.02,5.07	05/31/12
Inland American Real Estate Trust, In	MD	7.01,9.01	06/05/12
InspireMD, Inc.	DE	5.02,5.03,8.01,9.01	06/01/12
INTERMOLECULAR INC	DE	5.07	05/30/12
Interval Leisure Group, Inc.	DE	7.01,9.01	06/05/12
IRON MOUNTAIN INC	DE	7.01,8.01,9.01	06/05/12
ISTA PHARMACEUTICALS INC	DE	5.07,8.01,9.01	06/05/12
IVAX DIAGNOSTICS INC	DE	5.02	05/30/12
JOY GLOBAL INC	DE	5.02	06/05/12

AMEND

Jpak Group, Inc.	NV	5.07	06/05/12	
KAPSTONE PAPER & PACKAGING CORP	DE	7.01,9.01	06/05/12	
KAYDON CORP	DE	8.01,9.01	06/05/12	
KEATING CAPITAL INC		7.01,9.01	06/05/12	
KINDER MORGAN ENERGY PARTNERS L P	DE	7.01	06/05/12	
KINDER MORGAN MANAGEMENT LLC	DE	7.01	06/05/12	
KINDER MORGAN, INC.	DE	7.01	06/05/12	
KINGSWAY FINANCIAL SERVICES INC	A6	5.07	06/05/12	
Kohlberg Capital CORP	DE	5.02,9.01	06/01/12	
LAYNE CHRISTENSEN CO	DE	2.02,9.01	06/05/12	
LIONS GATE ENTERTAINMENT CORP /CN/	A1	8.01	06/05/12	
LIQUIDMETAL TECHNOLOGIES INC	DE	1.01,2.03,3.02,7.01,9.01	06/01/12	
Lithium Corp		5.02	05/31/12	
Lithium Corp		7.01	05/31/12	
LOUISIANA-PACIFIC CORP	DE	8.01,9.01	06/04/12	
LPATH, INC	NV	5.02,9.01	06/01/12	
LPL Investment Holdings Inc.	DE	1.01,5.02,5.07,9.01	05/30/12	
Luxeyard, Inc.	DE	8.01	05/31/12	
Luxeyard, Inc.	DE	1.01,3.02,9.01	04/24/12	AMEND
LVB Acquisition, Inc.		1.01,9.01	06/01/12	
MAGNACHIP SEMICONDUCTOR Corp	DE	5.07	05/30/12	
MAKO Surgical Corp.	DE	8.01,9.01	06/05/12	
Marathon Petroleum Corp	DE	5.03,9.01	05/30/12	
Marathon Petroleum Corp	DE	5.02,5.07,9.01	04/25/12	AMEND
Marina Biotech, Inc.	DE	1.01,8.01,9.01	05/31/12	
MARKWEST ENERGY PARTNERS L P		5.02,5.07	06/01/12	
MARSHALL EDWARDS INC	DE	8.01	06/04/12	
MASTERCARD INC	DE	5.07	06/05/12	
MATTEL INC /DE/	DE	8.01	05/30/12	
MATTRESS FIRM HOLDING CORP.	DE	2.02,9.01	06/05/12	
McEwen Mining Inc.	CO	7.01,9.01	06/05/12	
MEDICAL INTERNATIONAL TECHNOLOGY INC	CO	7.01,9.01	06/05/12	
MEDICINES CO /DE	DE	8.01,9.01	06/05/12	
MeetMe, Inc.	DE	5.02,5.07,8.01,9.01	06/01/12	
MENTOR GRAPHICS CORP	OR	5.02,5.07,9.01	05/30/12	
MICRONETICS INC	DE	2.02,9.01	05/31/12	
MICROS SYSTEMS INC	MD	2.01,9.01	05/31/12	
Millburn Multi-Markets Fund L.P.	DE	3.02	06/01/12	
MITCHAM INDUSTRIES INC	TX	2.02,9.01	06/05/12	
MONMOUTH REAL ESTATE INVESTMENT CORP	MD	1.01,3.03,5.03,7.01,	05/31/12	

		9.01		
MOOG INC	NY	8.01	06/04/12	
MOVE INC	DE	5.03,9.01	05/31/12	
MPHASE TECHNOLOGIES INC	NJ	8.01	06/05/12	
MRI INTERVENTIONS, INC.	DE	7.01,9.01	06/05/12	
Mueller Water Products, Inc.	DE	7.01,9.01	06/05/12	
Nationstar Mortgage Holdings Inc.	DE	8.01,9.01	06/05/12	
NBC ACQUISITION CORP	DE	1.03,7.01,9.01	05/30/12	
NCI BUILDING SYSTEMS INC	DE	7.01,9.01	06/05/12	
NCI BUILDING SYSTEMS INC	DE	7.01,9.01	06/05/12	
NEKTAR THERAPEUTICS	DE	8.01	06/05/12	
NETFLIX INC	DE	5.07	06/01/12	
NEULION, INC.		5.02,5.07,8.01,9.01	06/05/12	
NEWLINK GENETICS CORP		8.01,9.01	06/04/12	
NEWS CORP		8.01,9.01	06/05/12	
NON INVASIVE MONITORING SYSTEMS INC /	FL	1.01,2.03,9.01	05/30/12	
NORMAN CAY DEVELOPMENT, INC.	NV	9.01	10/14/11	AMEND
NOVAGEN SOLAR INC.	NV	1.01	06/01/12	
NTN BUZZTIME INC	DE	5.02,9.01	06/04/12	
Nuveen Diversified Commodity Fund	DE	7.01,8.01,9.01	05/31/12	
OCLARO, INC.	DE	5.02,8.01	06/05/12	
OGE ENERGY CORP.	OK	8.01	05/30/12	
OKLAHOMA GAS & ELECTRIC CO	OK	8.01	05/30/12	
ONEOK INC /NEW/	OK	7.01,8.01,9.01	06/05/12	
OPTIMER PHARMACEUTICALS INC		5.02,9.01	06/05/12	
ORION FUTURES FUND LP	NY	3.02	06/01/12	
OXFORD INDUSTRIES INC	GA	2.02,9.01	06/05/12	
Parametric Sound Corp	NV	8.01,9.01	06/01/12	
PARK OHIO HOLDINGS CORP	OH	9.01	03/23/12	AMEND
PARKER HANNIFIN CORP	OH	5.02	06/04/12	
PARKWAY PROPERTIES INC	MD	5.03,9.01	05/30/12	
Patient Safety Technologies, Inc	DE	7.01,9.01	06/04/12	
PDL BIOPHARMA, INC.	DE	8.01,9.01	06/05/12	
PENNANTPARK INVESTMENT CORP		7.01,9.01	06/05/12	
PennyMac Mortgage Investment Trust	MD	1.01,2.03,7.01,9.01	05/31/12	
PEOPLES BANCORP INC	OH	8.01,9.01	06/05/12	
PNM RESOURCES INC	NM	7.01	05/31/12	
Polypore International, Inc.		7.01,9.01	06/05/12	
POSITIVEID Corp	DE	1.01,2.03,3.02,5.07,9.01	05/31/12	
PRO DEX INC	CO	2.03,9.01	05/31/12	

PROSPECT CAPITAL CORP	MD	8.01,9.01	06/01/12	
PUBLIC SERVICE ENTERPRISE GROUP INC	NJ	7.01,9.01	06/05/12	
PyroTec, Inc.	DE	1.01,2.01,5.03,5.06, 8.01,9.01	06/04/12	
QAD INC	DE	1.01,1.02,2.03,9.01	05/30/12	
QLT INC/BC	AI	8.01,9.01	06/04/12	
Quest Water Global, Inc.	DE	3.02,9.01	05/30/12	
RAYTHEON CO/	DE	5.07	05/31/12	
RENTECH INC /CO/	CO	7.01,9.01	06/05/12	
RLJ Lodging Trust	MD	2.01,9.01	05/30/12	
Rock-Tenn CO	GA	7.01,9.01	06/05/12	
Rockwood Holdings, Inc.	DE	1.01,2.03,9.01	05/31/12	
Rockwood Holdings, Inc.	DE	7.01,9.01	06/05/12	
ROPER INDUSTRIES INC	DE	5.07	06/04/12	
SABINE ROYALTY TRUST	TX	2.02,9.01	06/05/12	
SALON MEDIA GROUP INC	DE	1.01,5.02,9.01	05/29/12	
Sara Lee Corp	MD	7.01,9.01	06/05/12	
SCIENTIFIC GAMES CORP	DE	5.07	06/05/12	
SELECT COMFORT CORP	MN	7.01,9.01	06/05/12	
SELECT COMFORT CORP	MN	7.01,9.01	06/05/12	
SILICON IMAGE INC	DE	5.02	05/30/12	
SLM Student Loan Trust 2003-1	DE	8.01,9.01	06/05/12	
SLM Student Loan Trust 2003-4	DE	8.01,9.01	06/05/12	
SLM Student Loan Trust 2003-7	DE	8.01,9.01	06/05/12	
SOUTHERN CALIFORNIA GAS CO	CA	8.01,9.01	06/05/12	
SPECIAL OPPORTUNITIES FUND, INC.	MD	9.01	06/05/12	
STAGE STORES INC	NV	5.02	06/01/12	
Steel Excel Inc.	DE	2.01,5.01,8.01,9.01	05/31/12	
STRATASYS INC	DE	8.01,9.01	06/05/12	
Strategic Storage Trust, Inc.	MD	1.01	06/01/12	
STRYKER CORP	MI	8.01	05/31/12	
SUPERFUND GOLD, L.P.	DE	1.01,9.01	06/01/12	
SUPERFUND GREEN, L.P.	J5	1.01,9.01	06/01/12	
SUREWEST COMMUNICATIONS	CA	1.01,5.02,9.01	06/04/12	
Swisher Hygiene Inc.	DE	1.01,9.01	05/30/12	
SYNTEL INC	MI	7.01	06/05/12	
TENGION INC	DE	5.03,9.01	05/30/12	
Terra Tech Corp.	NV	1.01,2.01,3.02,3.03, 5.01,5.03,5.06,9.01	02/09/12	AMEND
TEXAS INSTRUMENTS INC	DE	5.02	06/04/12	
TFS Financial CORP	DE	5.02	06/05/12	



THOMAS PROPERTIES GROUP INC	DE	5.07	06/01/12
THRESHOLD PHARMACEUTICALS INC	DE	8.01,9.01	06/04/12
Titan Machinery Inc.	DE	5.07	06/01/12
Transocean Ltd.	V8	5.03,8.01,9.01	05/30/12
TRIPLE-S MANAGEMENT CORP		5.02,7.01,9.01	05/31/12
Two Harbors Investment Corp.		7.01,9.01	06/04/12
U S PHYSICAL THERAPY INC /NV	NV	7.01,9.01	06/05/12
Ultra Salon, Cosmetics & Fragrance, In	DE	2.02,9.01	06/05/12
UMPQUA HOLDINGS CORP	OR	8.01	06/05/12
UNIGENE LABORATORIES INC	DE	7.01,9.01	06/05/12
UNITED NATURAL FOODS INC	DE	2.02,9.01	06/05/12
US AIRWAYS GROUP INC	DE	2.02,9.01	06/05/12
USA Graphite Inc.	NV	8.01	05/29/12
VENTAS INC	DE	9.01	05/31/12
VIRTUAL PIGGY, INC.	DE	5.02,8.01,9.01	06/05/12
VISHAY INTERTECHNOLOGY INC	DE	5.03,9.01	06/05/12
VISTA GOLD CORP	B0	4.01,9.01	05/31/12
VIVUS INC	CA	8.01,9.01	06/05/12
VWR Funding, Inc.	DE	1.01,2.03,9.01	06/04/12
WALGREEN CO	IL	2.02,9.01	06/05/12
WALTER INVESTMENT MANAGEMENT CORP	MD	7.01,9.01	06/05/12
WARRINGTON FUND LP	NY	3.02	06/01/12
WARWICK VALLEY TELEPHONE CO	NY	5.02	06/01/12
Westinghouse Solar, Inc.	DE	7.01,9.01	06/05/12
Whitestone REIT	TX	5.02,8.01	05/30/12
XENOPORT INC	DE	2.05,5.02,8.01	05/31/12
Xun Energy, Inc.	NV	1.02	06/04/12
YTB International, Inc.	DE	5.02,9.01	05/31/12
Zayo Group LLC	DE	1.01,7.01,9.01	06/04/12
ZION OIL & GAS INC	DE	8.01,9.01	06/05/12

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